

**CITY OF CENTRAL, COLORADO
ORDINANCE 13-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO ANNEXING CERTAIN TERRITORY TO THE CITY KNOWN AS
THE IOWA LODGE MINING CLAIM**

WHEREAS, the real property generally described as the Iowa Lodge Mining Claim annexation property and which is more particularly described in **Exhibit A** attached hereto (hereinafter, the “Property”) is located in an unincorporated area of Gilpin County, Colorado; and

WHEREAS, the City Council finds that, pursuant to the findings set forth in Resolution No. 13-18:

- That the Property meets the applicable requirements of Section 30 of Article II of the Colorado Constitution and §§ 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the City of Central;
- That an election is not required under the applicable requirements of Section 30(1)(a) of Article II of the Colorado Constitution and § 31-12-107(2), C.R.S.; and
- That no additional terms or conditions are imposed which would require an election under § 31-12-112(1), C.R.S.

WHEREAS, the City Council held a duly noticed public hearing to consider annexation of the Property, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S.; and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, annexation proceedings to annex the Property have not commenced for annexation of all or part of the Property to another municipality; and

WHEREAS, the City Council finds that it is in the best interests of the City to annex the Property to the City in its entirety.

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Annexation of Property Approved. The Property as described herein is hereby annexed to and included within the corporate limits of the City of Central, Colorado, in accordance with law.

Section 3. Direction to City Staff. The City Council hereby directs Staff to complete all necessary procedures required for annexation of said Property to the City including: (1) filing for recording three certified copies of this Annexation Ordinance and a map of the annexed Property containing a legal description of the Property annexed hereby ("Annexation Map") with the Gilpin County Clerk and Recorder, and (2) filing the original of this Annexation Ordinance together with a copy of the Annexation Map with the City Clerk of the City of Central, Colorado.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2013, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2013.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

EXHIBIT A

PROPERTY DESCRIPTION

The Iowa Lode Mining Claim, U.S. Mineral Survey No. 4839, described in U.S. Patent recorded May 22, 1991 in Book 512 at Page 171, Excepting therefrom any portion in conflict with Survey No. 261 (Central City Townsite) as excepted in said Patent, County of Gilpin, State of Colorado.

also known by street and number as **vacant land, Central City, Colorado**

(the “Subject Property”).

The Subject Property consists of 4.81 acres more or less and is shown on the annexation map on file with the City Clerk.